

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

ANTHONY ROSHON ROBERTS, SR.,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-11-284-M
)	
JOSEPH TAYLOR, Warden,)	
)	
Defendant.)	

REPORT AND RECOMMENDATION

As part of his action filed pursuant to 42 U.S.C. § 1983, Plaintiff seeks a preliminary injunction requiring Cimarron Correctional Facility (CCF) Warden Joseph Taylor to cease use of CCF’s Intensive Supervision Unit until certain changes have been made to the “ISU Program.” Plaintiff’s Application for Preliminary Injunction and Brief in Support [Doc. No. 4]. The matter has been referred to the undersigned Magistrate Judge for initial proceedings consistent with 28 U.S.C. § 636(b)(1)(B). For the reasons that follow, the undersigned recommends that the application for preliminary injunction be denied as moot.

In his Amended Complaint Plaintiff complains about conditions of his confinement in the Intensive Supervision Unit (ISU) at CCF, and in his Application for injunctive relief, he requests that the court “order [Warden Taylor] to cease with the use of the ‘ISU Program’” until certain conditions are corrected. However, the record before the Court reflects that since the filing of the Application and the Amended Complaint, Plaintiff has been transferred from CCF to the Davis Correctional Facility. *See* Notice of Change of Address (July 6, 2011) [Doc. No. 19]. Thus, as Plaintiff is no longer in custody at CCF, the

relief requested regarding changes in the ISU at CCF would be of no benefit to him, nor is there any threat of his continued susceptibility to injury at CCF. Accordingly, Plaintiff's requests for injunctive relief should be denied as moot.

It is therefore the recommendation of the undersigned Magistrate Judge that Plaintiff's Application for preliminary injunction [Doc. No. 4] be denied. Objections to this Report and Recommendation must be filed with the Clerk of this Court by March 14, 2012, in accordance with 28 U.S.C. § 636 and Fed. R. Civ. P. 72. Failure to make timely objection to this Report and Recommendation waives a party's right to appellate review of both factual and legal issues contained herein. *See Moore v. United States*, 950 F.2d 656 (10th Cir. 1991).

This Report and Recommendation does not dispose of all issues referred to the Magistrate Judge in this matter.

ENTERED this 22nd day of February, 2012.



BANA ROBERTS
UNITED STATES MAGISTRATE JUDGE